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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,695	12/08/2000	Gutman Levitan	HBK-02802/03	2885

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EXAMINER

CORNWELL, BRIAN I

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/732,695

Applicant(s)

LEVITAN ET AL.

Examiner

Brian Cornwell

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2 rejected under 35 U.S.C. 102(b) as being anticipated by Youman et al (5,629,733), cited by examiner.

As to claim 1, the claimed transmission of time/channel and descriptive data, including data specifying controversial materials (col.20 ln.24-49 and –col.21 ln.1), prior to transmission of the program is met by the reference's disclosure of receiving program schedule information and storing it in a database (col.7 ln.51-col.8 ln.25). The claimed channel selector and control means are met by the micro controller, which compares the parental control options with the program data and permits or denies the tuning accordingly (col.1 ln.1-59).

As to claim 2, the reference discloses the application of the blocking feature for parents (col.20 ln.6), as claimed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 3-7 rejected under 35 U.S.C. 103(a) as being unpatentable over Youman et al (5,629,733) in view of Ford (6,181,364).

As to claim 3, Youman et al discloses everything, as described above, except the blocking of only portions of the program. Ford discloses a system for filtering objectionable video content. Ford particularly discloses the blocking of inappropriate portions of videos (col.2 ln.29-31) to prevent children from viewing objectionable content. It would have been obvious to one of ordinary skill in the art at the time the invention was made to limit Youman et al's filtering system to only portions of a video, as in Ford's system, for the purpose of not being overly restrictive of children's video viewing.

As to claim 4, Youman et al discloses the application of the blocking feature for parents (col.20 ln.6), as claimed.

As to claim 5, Youman et al discloses everything, as described above, except the substitution of objectionable portions of the program. Ford discloses a system for filtering objectionable video content. Ford particularly discloses the substitution of inappropriate portions of videos (col.2 ln.34-36) to prevent children from viewing objectionable content. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Youman et al's filtering system with Ford's substitution functionality, for the purpose of providing less objectionable versions of videos.

As to claim 6, Ford particularly discloses separate tuners for the multiple video sources (fig.6 60,62,64) and a recorder (fig.6 66) for playing back alternative content, as claimed.

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As to claim 7, Youman et al in view of Ford teaches everything, as described above, except the content of the video streams being commercials. However the examiner gives official notice that it is notoriously well known in the art of video distribution to transmit commercials for the purpose of generating revenue. Therefore it is submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to filter by substitution objectionable content in commercials to prevent children from viewing offensive content.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kwoh (6,226,793) discloses a system for filtering video content. Goldschmidt et al (6,594,825) discloses a system for presenting alternate versions of video programs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Cornwell whose telephone number is 703-305-6955. The examiner can normally be reached on M-F 6-4 (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4357.

BIC
December 10, 2003


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600